

**COOPERATIVE AGREEMENT CONCERNING
RENEWAL OF LICENSE
FOR SALE OF ALCOHOLIC BEVERAGES**

35287

AGREEMENT, made and entered into this 4th day of December, 2002, by and between 2461 Corporation, trading as Madam's Organ (hereinafter the "Applicant"), and Advisory Neighborhood Commission 1C (hereinafter "ANC 1C") and the Kalorama Citizens Association (hereinafter the "Protestants"), witnesseth:

Whereas Applicant has filed an Application (No. 35287) with the District of Columbia Alcoholic Beverage Control Board (hereinafter the "Board") for the renewal of a Class "CR" License for the premises known as Madam's Organ, located at 2461 18th Street, NW, Washington, DC,

Whereas Protestants have filed before the Board their protests of this Application,

Whereas in recognition of the Board's policy of encouraging parties to a protested proceeding to settle their differences by reaching cooperative agreements, the Parties hereto desire to enter into a cooperative agreement whereby (1) Applicant will agree to adopt certain measures to address the Protestants' concerns and to include this Agreement as a formal condition of its Application, and (2) Protestants will agree to the approval of the Application and withdrawal of their respective Protests *provided* that such Agreement is incorporated into the Board's order renewing the license, which order is thereby conditioned upon compliance with such Agreement,

Whereas Applicant has recently taken or intends to take certain measures designed to ameliorate Protestants' concerns,

Now, therefore, in consideration of the mutual covenants and undertakings memorialized herein, the Parties hereby agree as follows:

1. Hours. The hours of operation shall be:

Inside: Sunday: 12:00 Noon until 2:00 am
 Monday through Thursday: 5:00 pm until 2:00 am
 Friday and Saturday: 5:00 pm until 3:00 am

2. Seating. Seating capacity will not exceed:

Interior tables and bar: 99

3. Noise/Music/Dancing. Applicant acknowledges familiarity with and will comply with noise-control provisions of District of Columbia law and regulations.

4. Trash/Garbage/Rodents. Applicant shall maintain regular trash/garbage removal service, regularly remove trash from the trash and dumpster area, and see that the trash and dumpster area remain clean. Applicant shall deposit trash and garbage only in rodent-proof dumpsters, and shall see that dumpster covers fit properly and remain fully closed except when trash or garbage is being added or removed. Applicant will make every reasonable effort to eliminate food sources for rodents and eliminate the rat population. Applicant will recycle the following items as per DC Law 7-226: cardboard, glass, and cans.

Applicant will provide for the proper removal of grease and fatty oils from the establishment and will not deposit grease or fatty oils in the dumpster.

5. Exterior including public space. Applicant shall assist in the maintenance of the alleyway behind and the space in front of the establishment to at least 18 inches outward from the curb as needed to keep them free of trash and to remove snow and ice from the sidewalk and comply with all applicable D.C. laws and regulations in these respects. Applicant shall make every reasonable effort to prevent or disperse loitering or any other source of noise or disturbance in the areas in front or to the rear of the premises during business hours and at closing, and to encourage patrons to leave those areas at closing.
6. Bar/Pub Crawls. Protestants acknowledge that Applicant has not previously participated in bar or pub "crawls", "tours", or any other similar event. In cooperation with Protestants' effort to discourage such events in the future, Applicant agrees to continue its policy of non-participation in such events. As used in this paragraph, the concept of bar or pub "crawls" or "tours" does not include situations in which a third party arranges for a pre-formed group of patrons to be served at the Applicant's establishment, or in which a pre-formed group of patrons is transported as a group by a third party to and from multiple establishments including the Applicant's.
7. Consideration. Applicant will encourage employees and patrons to be considerate of neighboring residents at all times. Applicant will encourage employees and patrons leaving the establishment to keep conversations and noise down from 11:00 PM to 7:00 AM.
8. Modification. This Agreement can be modified only by the ABC Board, or by mutual agreement of all the parties with the approval of the ABC Board. In the case of ANC 1C, any modification must be approved, in writing, at a regularly scheduled public meeting by a majority of Commissioners present and constituting a quorum.
9. Regulations. In addition to the foregoing, Applicant will operate in compliance with all applicable laws and regulations.
10. Withdrawal of Protest. Protestants agree to the issuance of the renewal of the license and withdrawal of their respective protests, *provided* that this Cooperative Agreement

is incorporated into the Board's order renewing the license, which order is thereby conditioned upon compliance with such Cooperative Agreement.

11. Availability of Cooperative Agreement. Applicant agrees to keep available at all times a copy of this agreement at his establishment and to familiarize all his employees with its conditions.

APPLICANT:

2461 Corporation t/a Madam's Organ

By: 

Bill Duggan, President
Its Authorized Representative

PROTESTANTS:

Advisory Neighborhood Commission 1C

By: 

Andrew James Miskuk
Chairperson

Kalorama Citizens Association

By:  12.2.2002

Denis James
ABC & Licensing Chair

**BEFORE
THE DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE CONTROL BOARD**

In the Matter of:

2461 Corporation
t/a Madam's Organ Restaurant and Bar

Application for a Retailer's Class
CR License (renewal)
at premises
2461 18th Street, N.W.
Washington, D.C.

Application No.: 35287-02/081P
Order No.: 2003-004

Denis I.E. James, on behalf of the Kalorama Citizens Association and Alan J. Roth, on behalf of the Advisory Neighborhood Commission 1C, Protestants

William Duggan, on behalf of the Applicant

BEFORE: Roderic L. Woodson, Esquire, Chair
Vera Abbott, Member
Charles Burger, Member
Laurie Collins, Member
Judy Moy, Member
Ellen Oppen-Weiner, Esquire, Member
Audrey Thompson, Member

**ORDER ON WITHDRAWN PROTEST
AND VOLUNTARY AGREEMENT**

The application, having been protested, came before the Board on May 22, 2002 in accordance with the D.C. Official Code Section 601 (2000 Edition). Denis I.E. James, on behalf of the Kalorama Citizens Association and Daniel R. Brody, on behalf of the Advisory Neighborhood Commission 1C, filed timely opposition.

The official records of the Board reflect that the parties have reached an agreement that has been reduced to writing and has been properly executed and filed with the Board. Pursuant to the agreement, dated December 2, 2002, the protestants have agreed to withdraw the opposition, provided, however, the Board's approval of the pending application is conditioned upon the licensee's continuing compliance with the terms of the agreement.

2461 Corporation
t/a Madam's Organ Restaurant and Bar
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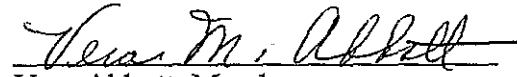
Accordingly, it is this 15th day of January 2003, **ORDERED** that:

1. The opposition of Denis I.E. James, on behalf of the Kalorama Citizens Association and Alan J. Roth, on behalf of the Advisory Neighborhood Commission 1C is **WITHDRAWN**;
2. The application of 2461 Corporation t/a Madam's Organ Restaurant & Bar for a retailer's class CR license (renewal) located at 2461 18th Street, N.W., Washington, D.C. is **GRANTED**;
3. The above-referenced agreement between the parties is **INCORPORATED** as part of this Order; and
4. Copies of this Order shall be sent to the Protestants and the Applicant.

District of Columbia
Alcoholic Beverage Control Board



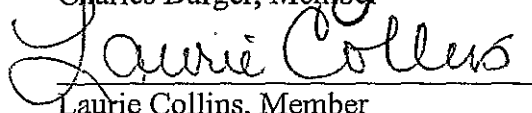
Roderic L. Woodson, Esquire, Chair



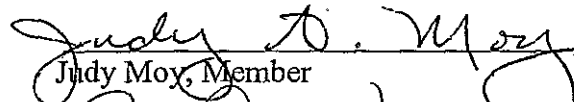
Vera Abbott, Member



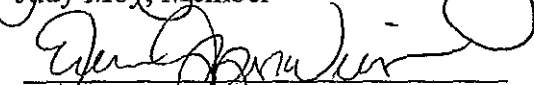
Charles Burger, Member



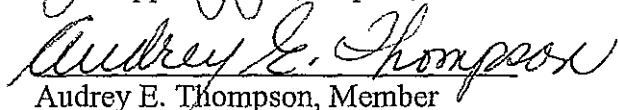
Laurie Collins, Member



Judy Mox, Member



Ellen Oppenheimer, Esquire, Member



Audrey E. Thompson, Member